



An
Bord
Pleanála

Inspector's Report ABP-301017-18

Development	Alterations to existing car showroom, construction of petrol station and all ancillary and associated site development works
Location	Lands at the junction of the N2 and the R171 Tallanstown Road, The Glebe, Ardee, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17/885
Applicant(s)	Maxol Ltd.
Type of Application	Permission.
Planning Authority Decision	Louth County Council
Type of Appeal	Third Party
Appellant(s)	Petrogas Group Limited.
Observer(s)	John Malone.
Date of Site Inspection	1 st November 2018.
Inspector	Karen Kenny

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1.0 Site Location and Description

- 1.1.1. The appeal site (1.5 ha) is located on the northern approach into the town of Ardee in County Louth.
- 1.1.2. The site lies immediately to the north of the Carrickmacross Road Roundabout, a junction of the N2 and N33 national primary roads and the R171 regional road. The N2 runs to the west of the site, the R171 runs to the east and there are agricultural lands immediately to the north. It is a relatively flat triangular shaped site that tapers in to the south. There is a large vacant car showroom building and associated yard areas in the northern section of the site. The southern section comprises a hardcore area that is overgrown. Footpaths run along the eastern and western boundaries of the site, along the N2 and the R171.
- 1.2. The site is currently accessed from the R171. The existing vehicular access is located midway along the eastern site boundary and is just inside of the 50 km/h speed zone.
- 1.3. The site is on the northern periphery of Ardee. Lands surrounding the site are largely rural in character. There is a residential property and agricultural lands and a farmyard to the north of the site. There is a fuel merchant depot to the south east of the site. Red House, a protected structure dating from the Georgian period lies to the east of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the redevelopment of an existing car showroom site.
 - Permission is sought for alterations to and part change of use of an existing car showroom building.
 - It is proposed to retain the car showroom use and associated office accommodation (1,025sq.m), a basement workshop (970sq.m) and a ground floor workshop (902sq.m).
 - It is proposed to change the southern section of the car showroom building to a service building with a stated gross floor area of 998sqm (Drawing 02-03

refers). The service building would incorporate a convenience shop (inc. off licence) of 100sqm, a food court with 4 no. food counters (127.9 sq.m), seating areas (156sq.m), a children's play area, toilet facilities, circulation areas (333.8sq.m) and storage. First floor space above the service area is to be retained, although the proposed use of this space is not clear.

- It is proposed to provide a fuel forecourt to the south of the existing building with 3 no. fuel pump islands, 2 no. bunkers for HCV refuelling and ancillary services.
- Modified entry / exit arrangements are proposed from the R171 which include the provision of segregated entry and exit from the forecourt and a new junction onto the R171 at the northern end of the site to serve the car showroom and HGV exit. It is also proposed to provide a separate road for HGV's along the western and northern perimeter of the site with exit onto the R171 at the northern end of the site.
- The development includes 115 no. car parking spaces, 1 no. coach parking area and 3 no. HGV parking areas.
- Ancillary works include the provision of gantry signage, new lighting, relocation of ESB substation and landscaping works.
- It is proposed to extend the commercial footprint of the site to the north, to facilitate car parking and circulation areas on the northern side of the building and a new vehicular entrance onto the R171.

2.2. The planning application was accompanied by the following reports:

- Planning Support Statement.
- Traffic and Transportation Assessment.
- Stage 1 Road Safety Audit.
- Screening for Appropriate Assessment.

3.0 Planning Authority Decision

3.1. Decision

Grant permission. The following conditions are of note:

Condition no. 2: The development shall not be occupied until the Ardee WWTP has been upgraded and can accommodate flows arising from the development.

Condition no. 3: Prior to the commencement of development, the applicant shall submit a Stage 3 Traffic Audit for written agreement.

Condition no. 4 b. The development shall not be occupied until the applicant has been granted a road opening licence to widen the R171 and road signs and utilities have been relocated.

Condition no. 6: A construction management plan to be submitted for agreement prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report refers to the planning history of the site, relevant policies and objectives of the Louth County Development Plan 2015-2021 and the Ardee LAP 2010-2016, the submissions made in respect of the application, internal reports and submission by prescribed bodies. The report:

- States that the site is zoned for 'Commercial and Business' use and that a 'petrol station' and 'shop local' are open for consideration within this zoning matrix.
- Refers to a previous determination by the Board in relation to a similar development on the appeal site under ABP Ref. PL15.247465. The Board refused permission for reasons relating to the capacity of the Ardee WWTP and concerns in relation to vehicular circulation and sightlines. The Report states that the Board accepted the inspector's consideration in relation to other matters of principle.

- The Planner's Report concludes that the previous reasons for refusal under ABP Ref. PL15.247465 have been resolved and recommends that permission is granted.

3.2.2. Other Technical Reports

Infrastructure: No objection.

Environment: No objection.

3.3. Prescribed Bodies

Irish Water: No objection. IW have a capital investment plan in place to upgrade the Ardee WWTP. There will not be sufficient capacity until these upgrades are completed.

TII: No stated objection. Rely on the planning authority to abide by official policy outlined in the DECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The submission states that TII neither endorses nor opposes in principle the provision of private sector proposals at motorway / dual carriageway / national road junctions, but will assess the impact on the junction / interchange / national road in terms of road safety, capacity and to ensure that official national objectives are safeguarded and that the anticipated benefits of the investment made in the national road network are not undermined. The submission notes that TII is not aware that Louth County Council has undertaken a forward planning approach in relation to off line facilities as advocated by the 2012 Guidelines.

3.4. Third Party Observations

A total of 4 no. submissions were received and considered by the Planning Authority. The issues raised are similar to those raised in the ground of appeal as detailed in Section 6.0 below.

4.0 Planning History

4.1. The following planning history relates to the appeal site:

ABP Ref. PL15.130745 / P.A. Ref. 01/1479

Application for a car showroom (2,679sqm) with petrol station (156sqm) and drive through restaurant (222sqm). Permission was granted by the planning authority. This decision was the subject of a third-party appeal to An Bord Pleanála. The Board refused permission for two reasons. The reasons for refusal stated that the development would (1) materially contravene the agricultural zoning of the site and (2) adversely affect the use of the adjoining National Primary route, N2, and associated N33 link road.

P.A. Ref. 03/1496

Application for a car showroom with a stated GFA of 2,642sqm, on the appeal site. Permission granted by the Planning Authority.

P.A. Ref. 06/615

Application for retention of car showroom (new position on site, additional ground floor area, additional basement, elevational changes, ancillary site works and site signage to that granted under PA Ref. 03/1496). Permission granted by the Planning Authority.

P.A. Ref. 09/565

Application for a standalone petrol filling station with 4 no. pumps (GFA 326sqm, retail area 87.5sqm) and for a drive-through restaurant (GFA 215sqm) on lands to the south of the existing car showroom. The Planning Authority issued a split decision granting permission for the petrol filling station and refusing the drive through restaurant, on the grounds that inadequate provision had been made to accommodate HCVs, which would give rise to off-site parking on the hard shoulder of the N2 and, therefore, create a traffic hazard. A first party appeal in respect of this decision (ABP Ref. 236912) was subsequently withdrawn.

ABP Ref. PL15.245128 / P.A. Ref. 15/5

Application for the redevelopment of the existing commercial development to include part change of use from car showroom basement to gymnasium, revisions to petrol

filling station approved under PA Ref. 09/565 (inc. alteration to and part change of use of existing car showroom to accommodate ancillary shop and retail services including café/restaurant, additional first floor offices/meeting rooms and public seating) and the development of forecourt areas and modified site access arrangements and associated road improvements. Permission was granted by the planning authority. This decision was subject to third party appeals. The Board refused permission for the development on the grounds that, having regard to the location of the proposed development on a significant junction linking the N2, N33 and R171, remote from the retail core of Ardee and its scale, range of uses and functions, they were not satisfied that the development (a) would not give rise to significant intensification of use of the junction which would interfere with its safety and the free flow of traffic on the public road, (b) would not conflict with Policy ACT1 of the Ardee LAP 2010-2016 which seeks to preserve and strengthen the town centre as the main focus for retail and commercial development. In their direction the Board considered that there were also unresolved concerns in relation to the quantum of foul wastewater generated by the proposed development and the ability of the Ardee WWTP to cater for these flows.

ABP Ref. PL.15.247465 / P.A. Ref. 16/559

Application for redevelopment of existing commercial site to include alterations to car showroom, workshop & ancillary office; construction of new petrol filling station and ancillary services; ancillary works to include drive through car wash, modified site access arrangements and road improvements, parking, retaining wall, underground tanks, bunkering and waste disposal point, signage, lighting, fencing, drainage and landscaping. Permission granted by the Planning Authority. This decision was subject to third party appeals. The Board refused permission on appeal for reasons relating to the capacity of the Ardee WWTP and the design of vehicular circulation areas and sightlines.

- 4.2. The following applications have been determined on lands to the immediate north and east of the appeal site:

P.A. Ref. 07/1007

Application for a vehicle test building (light and heavy goods) on lands to the north of the existing car showroom. Permission granted by the Planning Authority.

ABP Ref. PL15.233498 / P.A. Ref. 09/103

Application for a discount foodstore on lands to the east of the appeal site on the opposite side of the R171. Permission refused by the Planning Authority. This decision was the subject of a first party appeal. The Board refused permission on appeal for 3 no. reasons relating to impact on the town centre, conflict with zoning objectives and impact on the carrying capacity of the national road network.

ABP Ref. PL15.243454 / P.A. Ref. 14/81

Application for a discount foodstore on lands to the east of the appeal site on the opposite side of the R171. Permission was refused by the planning authority and the Board for reasons relating to the impact on town centre, conflict with zoning objectives and impact on carrying capacity of the national road network. In the Board's direction they noted unresolved concerns on file in relation to waste water and flood risk assessment, but in view of the substantive reasons for refusal, decided not to seek clarification on these matters.

- 4.3. The following applications have been determined on lands that are c. 1 km to the south east of the site on a roundabout junction between the N33 and a local road.

P.A. Ref. 08/724:

Application for supermarket. Permission refused by the Planning Authority.

ABP. Ref. PL15.236120/ P.A. Ref. 09/705

Application for supermarket on lands to the south of the N33. Permission granted by the Planning Authority. This decision was subject to third party appeals. The Board refused permission on appeal for reasons that related to the impact on the national road network, contravention of zoning objective and impact on the town centre.

ABP Ref. PL15.245481 / P.A. Ref. 15/419

Application for supermarket. Permission granted by the Planning Authority. This decision was subject to third party appeals. The Board refused permission on appeal for reasons that related to the impact on the national road network and impact on the town centre.

ABP Ref. PL15. 246457 / P.A. Ref. 15/721

Application for amendments to light industrial / business park development to include a petrol filling station. Permission was refused by the Board for reasons that related to the impact on the national road network.

Application for supermarket and commercial kiosk. Planning permission granted by the planning authority but refused by the Board for reasons that related to the impact on the national road network and traffic hazard.

5.0 Policy Context

5.1. National Planning Policy

Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012)

5.1.1. The government's guidelines on spatial planning and national roads:

- Recognise the important role of the national road network in the economic, social and physical development of the country and its purpose, to provide strategic transport links between the main centres of population and employment and to provide access between all regions.
- Seek to protect the carrying capacity of the national road network. In particular, the guidelines state '*the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network*'.
- State that national road interchanges / junctions are an especially important element of the national road network and local authorities must take care that development close to such interchanges does not compromise the capacity and efficiency of the national road / associated junctions, leading to the premature or unacceptable reduction in the level of service available to road users (section 2.7).
- Support the provision of service areas for road users who wish to rest, avail of fuel, food etc. during longer journeys and, in respect of the provision of on-line and off-line motorway service areas at national road junctions, state that (a) the location of these should be catered for in development plans and (b) the

Authority's service areas are designed to discourage infrastructure from becoming destinations in their own right (section 2.8).

- In respect of roadside service facilities at non-motorway national roads and junctions the guidelines state that *'a proliferation of service area facilities along rural sections of national roads and/or associated junctions, where the maximum speed limit applies, would create significant safety risks and affect the level of service available to road users, as well as impact on the viability and vitality of existing urban settlements. In general, sufficient road side facilities exist on the non-motorway national road network, which also passes through or is in close proximity to a significant number of urban towns and villages where such facilities can be provided for in a sustainable manner'* (section 2.8).

Service Area Policy (NRA, 2014)

- 5.1.2. The NRA's Service Area Policy 2014 sets out the policy basis on which service areas will be provided to meet the needs of road users on the national road network in Ireland. It states that the Authority's role is confined to the provision of on-line and off-line services on the dual carriageways (including motorways) and that, in order to meet the needs of road users, it aims to provide Type 1 Service Areas (full service areas) at least every 100km on the dual carriageway network.
- 5.1.3. In terms of roadside service facilities at non-motorway national roads and junctions, the policy document states that the Authority has no development or operational role in relation to private sector facilities in the vicinity of the national road network, but re-iterates guidance in the Department's guidelines for national roads (above) that *'facilities proposed for inclusion in services areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic. Furthermore, to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres'*.

NRA Advice Note TA 70/14 - Location and Layout of On-line Service Areas, June 2014.

- 5.1.4. The advice note gives general principles to be followed for the siting and layout of on-line service areas on National Roads. The advice note supersedes NRA TA 70/13 and includes amendments of the definition and types of service area.

5.2. Louth County Development Plan 2015-2021

- 5.2.1. The appeal site falls within the administrative area of the Louth County Development Plan 2015 – 2021. Retail policies of the plans seek to maintain the vitality and viability of town and village centres and their role as primary retail core areas (Policy EDE 33). Section 7.3.3 of the Plan states that, in respect of National Routes in County Louth, including the N2 Dublin to Derry and the N33 Charville Interchange (M1 Junction 14) to Ardee National Primary Routes, the Council will continue to implement measures to safeguard the capacity and safety of these national routes so that they can continue to perform their strategic role and maintain their importance to the future development of the County. Policy TC7 seeks to maintain the carrying capacity and lifespan of the road network, including regional roads.

5.3. Ardee Local Area Plan 2010-2016

- 5.3.1. The Ardee Local Area Plan 2010-2016 provides the most up to date zoning framework and policy framework for Ardee. The site is zoned for Commercial and Business uses. Table 8.5 indicates land uses that are permitted under the various zoning provisions. Petrol station, motor sales and restaurant are listed as a permitted use. Section 8.7.2 states that *'The matrix relates to land use only and important factors such as density, building height, design standards and traffic generation are also relevant in establishing whether or not a development proposal would be acceptable at a particular location'*.
- 5.3.2. Retail policies of the LAP seek to (a) preserve and strengthen the role of the town as the principal sub county retail centre to serve the needs of the towns people and the wider rural hinterland (Policy EE 6) and (b) preserve and strengthen the town centre as the main focus for retail and commercial development (Policy ATC 1).

5.3.3. In Section 4 the plan states that the existing wastewater treatment plant in Ardee, treating a population equivalent of 5800, is operating beyond its nominal capacity of 5000pe. Plans have been submitted to the Department of Environment, Heritage and Local Government to upgrade the WWTP to a capacity of 8000. However, with current commitments (to housing and a business park) even with the upgrade there would be constraints in the plant network to treat further development. Policy INF 4 therefore restricts further development until such a time as additional capacity is available to treat discharges arising from same.

5.4. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. There are two appeals lodged against the planning authority's decision to grant permission for the development, lodged by Petrogas Group Ltd. and John Malone. The grounds of appeal are similar and can be summarised under the following headings.

Precedent / Planning History / Scale

- Planning history of the site and lands on the northern environs of Ardee establishes that the nature and scale of the development would be contrary to proper planning and sustainable development due to impacts on the national road network, traffic hazard, public health and impact on town centre.
- Previous reasons for refusal on the site under ABP Ref. PL15.245128 / P.A. Ref. 15/5 and ABP Ref. PL15.247465 / P.A. Ref. 16/559 continue to apply. No change in policy or zoning or wastewater infrastructure and site layout and traffic circulation issues continue to apply.
- The proposed development exceeds the floor area of a standard petrol filling station and is akin to a motorway service station (Section 5.2 of Petrogas submission sets out a comparison). Significantly larger than the petrol filling

station previously approved and given the scale and its position relative to the M1 it is entirely reasonable to assess the application as an off-line service area.

- The development will seriously undermine public investment in MSAs on the M1 and will encourage commercial vehicles to avoid using motorway network. Presence of established MSA's on the M1 was a material consideration in the Board's decision to refuse permission for a service station at Castlebellingham in County Louth (ABP Ref. P115.236542).

Zoning and Impact on Town Centre

- The site is zoned Commercial and Business. While a petrol filling station is a permitted use Section 8.7.2 of the LAP states that the matrix relates to land use only and that factors such as density, building height, design standards and traffic generation are also relevant in establishing whether or not a development proposal would be acceptable at a particular location.
- The development contravenes Policy ATC 1 of the Ardee LAP "to preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town's people and wider rural hinterland". Level of commercial floorspace is significant in the context of Ardee.
- The level of 'ancillary' floorspace will allow for future expansion.
- The site is an out of centre site and is only accessible by private car. Commercial and retail development of the scale proposed would represent an unsustainable pattern of development and set an undesirable precedent for out of town development.
- The applicant has not assessed the impact of the proposed development on the town centre. The Traffic Impact Assessment (TIA) submitted with the application relies heavily on the pedestrian connection from the town to the proposed development. However, the same TIA acknowledges that pedestrian facilities in the vicinity of the site are minimal.

- Disagree with inspector's conclusion under previous application that the development would not significantly compete with the role and function of the town centre.

Impact on National Road Network

- Under ABP Ref. PL15.245128 the Board noted that the site adjoins a significant junction linking the N2/N33/R171, forming an integral part of the national road network and had serious concerns that by reason of its scale, range of uses and functions the proposed development would give rise to significant intensification of use of this major junction which would interfere with the safety and free-flow of traffic on the public road. The current proposal has not significantly changed from that previous refusal.
- Previous refusals reasons on the site and in the vicinity relating to the adverse effect on the national road network is of note.
- If permitted the development will set a precedent for other uses unrelated to the needs of the motorists (as per the land uses indicated for lands to the north of the site in the masterplan submitted under PL15.245128).
- The proposed development is at odds with the government's guidelines which warn against the proliferation of service facilities along national road junction.
- The submission from TII in relation to the need for a forward planning approach is highlighted.
- The development fails to consider the impact of the development on the N52 Ardee Western Bypass (Policy INF 12 of the LAP). TII announced in 2017 that the construction of the Ardee Bypass will commence in 2018.

Public Safety/ Traffic Hazard

- There is no vertical section drawing on the file showing the sightline requirements of the Development Plan (Table 7.4) of 4.5 m x 125 m.
- The issue of the posted speed limits has not been addressed and cannot be addressed by condition, as this is a matter for the elected members of Louth County Council.

- The national road (N2/N33) is highly unsuitable for pedestrian to cross (e.g. high traffic speeds) and would pose serious safety concerns

Wastewater Treatment

- The Ardee WWTP is operating beyond its capacity. The applicant has failed to demonstrate that the implementation of committed improvements to the WWTP will provide sufficient capacity to accommodate the proposed development. Condition no. 2 of the notification to grant permission is inappropriate and permission should have been refused pending the completion of the upgrade works and a proper assessment of what development can be accommodated.

Other

- The public notices do not adequately describe the development.
- The applicant has failed to demonstrate the need for the development based on provision in the town and on the M1 and taking account of NRA policy on the spacing of service areas.
- The quantum of car parking space falls below that which is required. The development could therefore give rise to off-site car parking in particular along the N2 endangering public safety.
- Internal vehicle circulation (alongside the N2) could give rise to traffic hazard.

6.3. Applicant Response

6.4. The applicant's response can be summarised as follows: `

Procedures

- The public notices satisfy the requirements of the Planning and Development Regulations.

Planning History / Precedent / Policy

- The proposed development is substantially different to that presented under PA Ref. 15/5 (PL15.245128) (removal of gymnasium, vehicle test centre, first floor meeting rooms and reduction in level of hospitality).

- Applications for a discount food store (ABP Ref. PL15.233498 and PL15.243454) are materially different in respect of traffic generation, retail planning policy, impact on town centre, history of the site and access arrangements
- Paragraph 7.9 of the Inspector's Report under ABP Ref. PL15.247465, states that parties to the appeal refer to the planning history of the site and refusals by the Board and where reasons have included impact of the development on the carrying capacity of the national road network. The inspector's report states that whilst I am mindful of these, and other cases referred to, the application for the proposed development differs in terms of its location, scale and form from the others referred to and whilst a similar policy context applies, the proposed development should be determined on its own merits.
- Planning history establishes a number of critical principles relating to the established car showroom (P.A. Ref. 03/1496), a petrol filling station with ancillary car wash, retail and dining areas on the site (P.A. Ref. 09/565). The decision to refuse planning permission under ABP Ref. PL15.247465 / P.A. Ref. 16/559 was based on technical grounds and concerns about the wastewater treatment system and associated risks to Natura 2000 sites and issues around internal circulation. The Board decision accepted the inspectors position that the proposal differed from that previously refused, was consistent with the policies of the Ardee LAP and with the NRA's approach to the location of the service stations on non-motorway national roads, would not impact on public investment in motorway service areas (MSAs), the analysis in the TTA was robust and that the development would not significantly compete with the role and function of Ardee Town Centre.
- The subject application reflects the previous development and addresses the issues of concerns raised by ABP in their refusal.
- Other cases referred to by the appellants are not directly comparable to the proposed development (PL15.245457, PL15.233498 and PL15.243454).
- The principle of the land use on the site has already been established in earlier planning permissions. The development is connected to Ardee town centre by way of pavements, however, given its distance from the town

centre, the busy road it will require pedestrians to cross, it is unlikely to attract pedestrian trips from the town centre and would not significantly compete with the role and function of the town centre.

- The development, is located within the development limits of Ardee on zoned lands and is acceptable under the zoning matrix.
- The retail element is within the 100 square metre retail cap detailed in the Retail Planning Guidelines 2012.

Need

- The LAP confirms that service stations should be located on the edge of the urban footprint and within the speed limits and should not access onto any national routes.
- ABP has previously acknowledged that the applicant does not seek to justify the need for the development as the principle of a petrol filling station on the site has been established.
- The emphasis of the NRA guidelines would appear to be to limit services areas on rural sections of national roads and/or associated junctions, and to direct facilities to urban areas. The proposed development comes forward within the defined urban area on a regional road where the 50 km/h speed limit applies for the most part. It comes forward at a location on the national road network where there is a substantial distance between service stations and no obvious proliferation of such facilities.

Impact on the National Road Network

- ABP has accepted under ABP Ref. PL15.247465 that: traffic flows predicted to be generated by the development are relatively modest compared to existing traffic flow on the national road network; the impact on the N33/N2/R171 roundabout junction would be modest in terms of overall traffic movements; the development provides rest and service facilities primarily for users of the national road network and in this way satisfies objectives of the Spatial Planning and the National Roads Guidelines for PA's.

Impact on NRA / M1 MSAs

- ABP under ABP Ref. PL15.247465 concluded that while the proposed development is substantial it is unlikely that it would compete with the existing service areas, to the detriment of public investment in the service areas.

Public Safety / Traffic Hazard

- ABP previously reviewed the scheme based on a proposed sightline of 4.5 m x 75 m at the northern access. The sightlines has since been amended to provide a sightline of 4.5 m x 125 m (Drawing 01-12 refers).
- The application is accompanied by a Road Safety Audit. A Stage 3 Road Safety Audit would be provided only on completion of construction and cannot be undertaken before construction or approval of the development.
- There is no formal announcement from TII in relation to the Ardee Western Bypass, nor have TII raised any objection in their submission in relation to the impact of the development on the proposed road scheme.

Wastewater Treatment Plant

- Irish Waters response to a pre-connection enquiry dated January 2018 states that there is currently a project underway to upgrade the WWTP and increase the capacity. This is due to be completed in Q3 2019. Although there is an existing connection to the wastewater network, the figures detailed in the PCE show a substantial increase and so the new connection will have to wait until the WWTP is upgraded. The condition applied to the notification to grant permission is therefore entirely appropriate. The developer can assist in treating wastewater prior to discharge to the public system via an onsite treatment system, should this be deemed necessary.

Design and layout

- The internal layout has been amended to remove conflict between the movement of pedestrians and HGVs in the forecourt (to address the previous reason for refusal) by: providing segregated pedestrian access from car parking spaces to the service building; providing a separate internal road to facilitate separate HGV egress at the access north of the existing building; sightlines of 4.5 m x 125 m at the access points; and landscaping along the

N2 boundary in line with condition 2(b) and 2(c) of the previous Inspectors Report.

- The parking provision for the development, as set out in the TTA, has been agreed with the Planning Authority.
- The design includes planting / screening along the western boundary of the site to assist in reducing any likelihood of glare and confusion to oncoming traffic.
- There is no “superfluous” floorspace. The main bulk of the floorspace is the dining court with all it encompasses including the mall, common areas, individual tenant spaces, adequate toilet facilities etc.

Planning Authority

6.5. The response of the planning authority can be summarised as follows:

- The Planning Authority is satisfied that the public notices are correct.
- There is a precedent for a filling station on the site – as referenced in Section 7.8 of the Inspector’s Report under ABP Ref. PL15.247465.
- The upgrade of the WWTP is being undertaken and is scheduled to be completed in Q2 of 2019. The upgraded treatment plant will have a capacity of 8,500 p.e.
- The development would not compete with the role and function of the town centre – as referenced in Section 7.35 of the Inspector’s Report under ABP Ref. PL15.247465.
- Sightlines of 4.5 m by 125 m are available at the access points and the Planning Authority is satisfied that there will be no danger to public safety.
- The Western Ardee By Pass is to be located to the north of the site and thus shall have no impact.
- Predicted traffic flows are relatively modest compared to the existing traffic flows onto the N2/N33 - as referenced in Section 7.24 of the Inspector’s Report under ABP Ref. PL15.247465. The Board and TII acknowledged that the TAA findings are robust.

- The site is located on the national road network where there is a substantial distance between service stations and there is no obvious proliferation of service area facilities either along this stretch of national road – as referenced in Section 7.15 of the Inspector’s Report under ABP Ref. PL15.247465. As per paragraph 7.17 it would seem unlikely that the proposed development would compete with existing service areas, to the detriment of public investment.
- The conflict between HGVs and pedestrians has been addressed through the provision of segregated access from car parking to service buildings and also by the provision of an internal circulation road.
- 121 no. car parking spaces are proposed. The same number were proposed under the previous application PA Ref. 16/559. The proposed development comes forward with a mobility management plan – as referenced in Section 7.47 of the Inspector’s Report under ABP Ref. PL15.247465. Whilst the development itself does not provide all of the facilities to encourage alternative modes of transport (e.g. showers) it does propose measures to reduce vehicle trips (e.g. staff carpooling) and hence a reduction in the requirement for car parking. There is sufficient car parking provision on the site.
- It is recommended that condition no. 3 of the notification to grant permission is amended as follows: At the end of the construction stage and prior to the opening of the development to traffic the applicant shall submit to the PA a Stage 3 Traffic Audit. Reason: In the interest of traffic and pedestrian safety.

6.6. Observations

None.

7.0 Assessment

- 7.1.1. I have examined the file, considered national, regional and local policy and guidance and I have inspected the site. I consider that the key issues for consideration by the Board in this case are as follows: -

- Procedural Matters
- Planning History
- Compliance with Policy
- Traffic and Transportation
- Waste Water
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Procedural Matters

- 7.2.1. The grounds of appeal argue that the public notices do not adequately describe the development. I consider that the notices were sufficient to alert third parties to the development proposal and provide a general indication of the nature and extent of development proposed. I am therefore satisfied that the purpose of the public notice has been served in accordance with the requirements of Article 18 and 19 of the Planning and Development Regulations.

7.3. Planning History

- 7.3.1. Permission is sought for part change of use of an existing car showroom site to incorporate a petrol filling station and a service building containing a convenience shop, off licence, food court, seating and toilets etc. There is a detailed planning history attached to the site as set out in Section 4 above. I consider it necessary to summarise the planning history in order to allow for a comprehensive assessment of the proposed development.
- 7.3.2. The Board in 2003 overturned a decision of the Planning Authority to grant permission for a car showroom with petrol station and drive through restaurant on the appeal site (ABP Ref. PL15.130745 / P.A. Ref. 01/1479). The Board's reasons for refusal stated that the development would materially contravene the agricultural zoning of the site and adversely affect the use of the adjoining National Primary route, the N2 and the associated N33 link road. The Planning Authority granted permission for a car showroom on the site in 2003 (P.A. Ref.03/1496). The

Planning Authority granted permission to retain the car showroom development as constructed in 2006 (P.A. Ref. 06/615). In 2009 an application was submitted for a petrol filling station and drive-through restaurant in the southern section of the site. The Planning Authority issued a split decision granting permission for the petrol filling station and refusing permission for the drive through restaurant (P.A. Ref. 09/565). The approved petrol filling station was not constructed within the life of the permission. In 2015, the Board overturned a decision of the Planning Authority to grant permission for part change of use of the site to a petrol filling station and a service building with convenience shop, food court, toilets, gymnasium and meeting rooms. (ABP Ref. PL15.245128 / P.A. Ref. 15/5). The reason for refusal stated that the development would give rise to significant intensification of use of the N2/N33 and R171 junction which would interfere with its safety and the free flow of traffic on the public road, and conflict with Policy ACT1 of the Ardee LAP 2010-2016 which seeks to preserve and strengthen the town centre as the main focus for retail and commercial development. The Board direction also noted unresolved issues in relation to the ability of the Ardee WWTP to cater for foul water discharges from the proposed development. In 2017, the Board against the recommendation of the reporting inspector, overturned a decision of the Planning Authority to grant permission for part change of use of the site to a petrol filling station and service building with convenience shop, off licence, food court, toilets etc. (ABP Ref. PL.15.247465 / P.A. Ref. 16/559). The reasons for refusal related to the ability of the Ardee WWTP to cater for foul water discharges from the proposed development and to the design of vehicular circulation areas and sightlines.

- 7.3.3. The proposed development is similar to that refused by the Board under ABP Ref. PL15.247465 in terms of the nature and extent of development proposed and the configuration of development within the site, save for some alterations to vehicle circulation. The Planning Report submitted with the application highlights the similarities and states in Section 2.2 that the Boards previous decision to refuse permission was based on a number of technical grounds. The report states that the Boards decision accepted (inter alia) the principle of the development and the impact on the N33/N2/R171 roundabout junction.

7.3.4. While I have had regard to the planning history pertaining to the site, I would note that a 'de novo' assessment of the proposed development is set out in the following sections of the report.

7.4. Compliance with Policy

- 7.4.1. The site of the proposed development lies at a strategic position on the northern approach into Ardee. The site is immediately north of the Carrickmacross Road Roundabout, a junction of the N2 and N33 national primary routes and the R171 regional route. The N2 links south from this roundabout to Ardee and Dublin and north to Monaghan and Derry. The R171 runs north to Dundalk. The N33 provides a direct connection to the M1 Motorway (Junction 14) c. 7.8 kilometres to the east of the Carrickmacross Road roundabout and connects to the N52 national secondary route at a roundabout that is c. 200 metres to the east. This section of road is a major component of national roads infrastructure in this part of the country. It accommodates and facilitates very significant volumes of traffic relating to cross-border movement between Dublin and Derry as well as providing a direct link to the M1 motorway leading to Dublin and Belfast. It also functions as a notable by-pass for significant volumes of traffic that would otherwise pass through the town of Ardee.
- 7.4.2. A question arises in this case in relation to the function of the proposed development. The grounds of appeal argue that the proposed development exceeds the scale of a standard petrol filling station and is more akin to a motorway service area. It is clear from the Spatial Planning and National Roads Guidelines, 2012 that a 'service area' is a separate use class. The Guidelines define a 'Type 1 Service Area' as a large-scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information), fuel facilities, parking and picnic area (pg. 17). While the proposed petrol forecourt is of relatively modest scale (6 no. pumps and 2 no. bunker facilities for HGVs), the associated service building with a stated floor area of 998 square metres, is beyond that of a standard petrol filling station, in my view, and would serve a wider function. Given the scale of development and the range of uses proposed, I would agree that in policy terms, the development should be viewed as a service area on the national road network and not as a local petrol filling station.

- 7.4.3. The Ardee Local Area Plan (LAP) 2010-2016 provides the most up to date zoning framework for Ardee. I would note that the LAP has not been reviewed or extended within its six-year lifetime¹ and that the zoning status of the lands is therefore questionable. The site is within the development boundary defined by the Ardee LAP but is outside of the physical footprint of the town. The site is zoned for mixed commercial and business uses. Table 8.5 of the LAP indicates the land uses that are permitted under the various zoning provisions. There is no reference to 'service areas', while 'car sales', 'petrol filling station' and 'restaurant' uses are 'permitted' in this zone.
- 7.4.4. Policy in relation to 'service areas' is set out in Section 2.8 of the 'Spatial Planning and National Road Guidelines for Planning Authorities' (DECLG 2012). In relation to service facilities on national roads, the Guidelines emphasise the need to limit service areas on rural sections of national roads and/or associated junctions, and to direct facilities into suitable sites in urban areas. Given the sites position on the periphery of Ardee and at a strategic location on the national road network, I submit that the principle of a service area at this location, the impact on the national road network and the impact on established centres are key considerations for the Board in this instance.
- 7.4.5. The Spatial Planning and National Road Guidelines advocate a forward planning approach in relation to the provision of off line service areas and recommend that specific policies are included in the Development Plan. There is no specific policy in the Development Plan or Local Area Plan in respect of service areas. There is a submission from TII on the file and whilst it does not object to the proposal the submission does draw attention to the need for a forward planning approach to the provision of 'service area type developments at motorway / dual carriageway / national road junctions' and states that the Authority is unaware that such an approach has been undertaken with respect to this location and / or these forms of facilities. This issue is also raised by the appellants.
- 7.4.6. The submitted Traffic and Transport Assessment (TTA) assumes that 50% of trips to the development would be 'pass by trips' and that the other 50% would be 'new trips' (Section 5.7). On the basis of the analysis contained in the TTA and having regard

¹ Section 19 of the Planning and Development Act Refers.

to the nature and scale of the food offer it is clear that the development would function as a service facility for strategic traffic on the national road network. It is also reasonable to conclude that the development would attract local users and that it has the potential to become a destination in its own right. I would note that Section 2.8 of the National Road Guidelines, state, in respect of off-line motorway service areas at national road junctions that: “...*facilities proposed for inclusion in service areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for motorways and other national road and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic.*” It is also stated that: “...*to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines ...*” While I acknowledge that the guidelines are focused primarily on developments outside of the 50/60 km/h speed zone and proximate to motorways, I consider the policy statements to be relevant in this instance given the sites peripheral location relative to the commercial core of Ardee.

7.4.7. The grounds of appeal highlight the potential for impacts on Ardee town centre. The applicant in response argues that a ‘petrol station’ is ‘permitted’ under the zoning objective and that the principle of same was already accepted under the 2009 permission. The applicant also argues that the Boards determination under ABP Ref. PL15.247465 accepted the principle of the development. I submit that the combination of café and restaurant facilities of a significant scale on a site that is peripheral to the commercial core of Ardee and highly accessible by car, would draw customers away from the town centre, and undermine the vitality and, more importantly, the viability of a range of uses that are more appropriately located in the town centre. To this end, the development does not sit comfortably with policy contained in the Retail Planning Guidelines, 2012 or in the Spatial Planning and National Road Guidelines 2012 and with Policies contained in the Ardee LAP (ATC1) and the Louth County Development Plan (Policy EDE 33) all of which seek to protect town centres as the focus for commercial and retail activity and to maintain the vitality and viability of town centres. I would also note that the Board has determined previously that restaurant facilities of a significant scale are not appropriate at this location.

- 7.4.8. Furthermore, the development would result in significant volumes of traffic being drawn to the facility and it is my submission that the proposed development will give rise to increased and focused traffic generation that will have a significant impact on the functioning of the Carrickmacross Road Roundabout and will compromise the level of service to road users contrary to national guidance. This view is supported by the assessment of the submitted Traffic and Transport Assessment detailed in Section 7.5 below.
- 7.4.9. The Spatial Planning and National Road Guidelines, 2012 (Section 2.7) state that national interchanges and junctions: “...are especially important elements of national roads infrastructure that plans must take account of and carefully manage.” Planning authorities are required to exercise particular care in their assessment of local area plan proposals relating to zoning at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. The guidelines stress the need to avoid potentially compromising the capacity and efficiency of the national road and its associated junctions and avoid an unacceptable reduction in the level of service available to road users. I would note that the Ardee LAP 2010-2016 predates the publication of this national guidance.
- 7.4.10. I submit that the appeal site is not suited to the range of uses proposed, in the interest of sustaining major national road infrastructure at this location or of protecting and sustaining the needs of Ardee town as a service centre for its hinterland. Service areas are provided along national routes in the wider area (M1) and in urban centres along and off the national roads. The applicant has failed to demonstrate that there is a need for further service facilities at this location or that such provision is supported by national and local policy. In the interest of protecting significant national investment at this location and the orderly, planned and suitable development of Ardee as a commercial service centre, a development of the scale proposed cannot reasonably be supported within the national policy context and I recommend that permission is refused on this basis.

7.5. Traffic and Transport Assessment

- 7.5.1. As discussed in detail in Section 7.4 above, national guidance on spatial planning and national roads seeks (inter alia) to safeguard the carrying capacity of the

national road network and ensure that that development at national road interchanges does not compromise the capacity or efficiency of the national road/associated junctions, leading to the premature or unacceptable reduction in the level of service available to road users.

- 7.5.2. The volume of trips arising from the proposed development was quantified using the NRA approved TRICS Trip Database, based on the petrol filling station (with retail) and car showroom land use categories. The proposed development is predicted to generate 116 arrivals and departures in the am peak and 139 arrivals and departures in the pm peak. The junction assessment for the Carrickmacross Road Roundabout indicates that the junction will operate well within its capacity for all future year scenarios. I submit that the Traffic Impact Analysis set out in Chapter 5 of the TTA does not provide a robust analysis of the likely impact of the development on the surrounding road network. Firstly, I would note that the TTA focuses on traffic impacts during the weekday morning and evening peaks only (as agreed with the planning authority). This approach fails to address the likelihood of trip generation arising from a commercial development of this type outside of these periods and the potential for congestion on the national routes outside of the am and pm peak. The traffic surveys that underpin the assessment were undertaken in the am and pm peak on one day only. The surveys are very limited in my view and are not sufficient to give a true indication of traffic patterns on the national road network in the vicinity of the site. Both the N2 and the N33 roads carry a substantial volume of traffic (cars, buses and HGVs) and at the time of site inspection during the mid-morning period there was a noticeable volume of traffic on the road. In terms of trip rates, while I would acknowledge that the TRICS database is a recognised source of trip rate data, I question whether the PFS (with retail) land use category fully addresses trip rates that would arise from the proposed development. I am of the view that the significant 'food' element is not accounted for within this category. Furthermore, the issue of modal split and pass by trips versus origin-destination and local trips is not addressed in any meaningful way in my view. I would note that the number of employees is not indicated, nor is the seating capacity of the café / restaurant outlets. In this regard, I would share the concerns expressed by the appellants in relation to the significant area given over to circulation within the service building, and the potential for commercial uses to extend into these areas.

7.5.3. Further to the discussion in Section 7.4 above, I do not accept the findings of the TTA submitted with the application. I consider that the Traffic Impact Assessment underestimates the potential impact of the proposed development on the surrounding road network and that the proposed development, due to its scale, range of uses and intended function, will give rise to an increase in traffic at this location and will have a significant impact on the functioning of the Carrickmacross Road Roundabout, contrary to national guidance.

Vehicular Access / Circulation

7.6. The main entrance to the petrol filling station and service building is from the R171 at a location that is c. 200 metres north of the Carrickmacross Road Roundabout and just inside the 50 km/h speed limit. The existing vehicular access would be realigned to provide segregated entry and exit. A second junction is proposed to the north of the site to provide for entry / exit to the car showroom and exit for HGVs and Coaches. HGVs and coaches accessing fuel or parking facilities would enter via the main entrance to the south but would be segregated from light vehicles thereafter. Furthermore, it is proposed to widen the R171 from c. 6 metres to 7.3 metres along the eastern site boundary.

7.7. At the southern junction the submitted site layout plan (Drawing No. 01-02) refers to sightlines of 4.5 x 125 m to the north and 4.5 x 90 m to the south at the point of exit onto the R171. The sightlines to the south are based on a speed limit of 50km/h using the standards set out in DMURS, while the sightlines to the north are based on the 80km/h speed limit that applies to the north of the exit and are based on the standards set out in Table 7.4 of the Development Plan². At the northern entrance, the drawing refers to sightlines of 4.5 x 125 m to north and south. The R171 slopes upward from the Carrickmacross Road Roundabout and there is an uplift to the immediate north of the proposed junction and again c. 200 metres further north. There is a difference in ground levels between the location of the proposed internal access road to the north of the car showroom building and the adjoining public road at the point of the proposed new entrance/exit to the car showroom (i.e. c.3m). Subject to an adequate transition in levels I am satisfied that the sightlines can be achieved.

² DMURS applies to urban roads and streets within the 60 km/h zone only.

7.8. An internal road is proposed along the western site boundary that would run parallel to the N2 mainline at a point where the 100 km/h speed limit applies. The roadway is provided to segregate HGVs from car parking areas in response to the Boards previous reason for refusal under ABP Ref. PL15.247465. It is indicated that heavy vehicles would use this roadway to exit the site at the northern end. Vehicles would run in close proximity to and contraflow to traffic on the N2 mainline at a point where the 100 km/h speed limit applies. Screen planting is proposed along the N2 boundary to reduce the likelihood of 'glare or confusion'. However, I am of the view that the potential for 'glare and confusion' remains due in particular to the contraflow movements and that the proposed circulation layout could interfere with the safety and free flow of traffic on the national road network. Furthermore, I am of the view that the revised layout fails to address the previous reason for refusal in relation to traffic circulation within the site. While the removal of heavy vehicles from the forecourt area would provide for safer circulation, the layout fails segregate car parking and petrol filling activities. I am not satisfied that the potential for conflict between pedestrian and vehicles has been adequately addressed. In addition to the substantive reason for refusal in respect of the impact on the national road network and on Ardee town centre, I recommend that a second reason for refusal is included relating to traffic hazard.

7.9. **Wastewater**

7.9.1. The Ardee WWTP is currently operating beyond capacity design capacity of 5,000 p.e. While the Ardee LAP includes some commentary on this issue of the overloaded WWTP I consider the key issue for consideration is whether or not there is capacity to cater for wastewater arising from the proposed development.

7.9.2. The submission from Irish Water to the planning authority indicates no objection to the development. The submission states that "Irish Water have a Capital Investment Plan in place to upgrade the Ardee WWTP and that there will not be sufficient capacity until these upgrades are completed. The applicants appeal response includes a letter from Irish Water dated 31st January 2018, in response to a pre-connection enquiry stating that:

"The Ardee WWTP is currently at capacity. However, there is currently a project underway to upgrade the plant and increase the capacity. This is due to be

completed in Q3 2019. Although there is an existing connection to the wastewater treatment network, the figures detailed in the PCE show a substantial increase and so the new connection will have to wait until the WWTP is upgraded”.

7.9.3. On the basis of the response from Irish Water and in particular the fact that upgrade works to the WWTP are underway and are due to be completed within a reasonable timeframe, I do not consider a grant of planning permission to be premature in this instance subject to an appropriate condition.

7.10. **Appropriate Assessment**

7.10.1. The proposed development is not directly connected with or necessary to the management of a Natura 2000 site and therefore potential impacts on European sites must be considered. The application is accompanied by an Appropriate Assessment Screening Report and I am satisfied that the information provided is sufficient to allow me to undertake Appropriate Assessment Screening in respect of the proposed development.

7.10.2. There are no European sites in the immediate vicinity of the site. The closest site is the Stabannan – Braganstown SPA (IE004091) situated c. 5 km to the north east of the appeal site. The Dundalk Bay SAC (IE0000455) and Dundalk Bay SPA (EI004026) are located c. 12 km to the east of the site. All other sites are at a greater distance and I am satisfied, applying the source-pathway-receptor model, that likely significant impacts can be excluded in respect of other European Sites at the preliminary stage given the absence of ecological and hydrological connections.

7.10.3. The proposed development is situated at the edge of Ardee on a serviced brownfield site. I would suggest that in terms of potential impacts surface water and wastewater impacts are considered most relevant. The proposed development will not result in direct or indirect loss or disturbance to habitats or species associated with European sites and given the level of separation I consider that impacts arising from disturbance (e.g. visual or noise) can be excluded.

7.10.4. The appeal site is within the same river catchment as the Dundalk Bay SAC and SPA and is hydrologically linked by c. 20.4 km of surface waters. A tributary of the River Dee lies c. 100 metres south of the site and enters the River Dee downstream of the site, which in turn flows into Dundalk Bay and the designated areas of the

Dundalk Bay SAC and SPA. I consider that significant attenuation is proposed within the site and therefore the potential for impact on water quality is remote. In addition, applying the source-pathway-receptor model in the context of likely significant effects, I am satisfied that likely significant impacts arising from surface water can be excluded due to the large separation distance between the proposed development and the European sites in Dundalk Bay and the volume of water that separates the proposed works from these sites. In terms of wastewater, I would note that the site drains to the Ardee WWTP (via the public network), which discharges to the River Dee and in turn discharges to Dundalk Bay. This creates a hydrological link between the site and the SAC/SPA, with the potential for indirect impacts linked to the discharge from the WWTP. While the Ardee WWTP is currently operating beyond its design capacity, an upgrade project is underway. Irish Water advise that a connection for the proposed development will not be facilitated until such time as the upgrade is completed. On this basis, I am satisfied that no issues would arise in respect of appropriate assessment.

- 7.10.5. In terms of in combination or cumulative impacts, I consider that the potential impacts to European sites as a result of ongoing or future development projects is limited by the existing legal requirement for all plans and projects to undergo screening for AA, and if necessary AA and to adhere to best practice construction methodologies to avoid damage to protected habitats and species and to avoid surface water run-off and contamination. I accept, therefore, that cumulative impacts are not likely to arise.

Screening Conclusion

- 7.10.6. I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. IE004091 (Stabannan – Braganstown SPA), No. IE0000455 (Dundalk Bay SAC) and No. EI004026 (Dundalk SPA), or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and the submission of a NIS) is therefore not required.

7.11. Environmental Impact Assessment

- 7.11.1. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

I recommend that permission be refused for the reasons set out below:

9.0 Reasons and Considerations

1. The site of the proposed development is located at a significant junction linking the N2 and N33 national roads and the R171 regional road (Carrickmacross Road Roundabout). This junction forms an integral part of the national road network. It is considered that the proposed development, due to its scale, range of uses and function, would:

(a) give rise to a significant intensification of use of this major junction, generating substantively increased multiple vehicular turning movements onto the busy national routes at this junction and would interfere with the safety and free flow of traffic on the public road, thus endangering public safety by reason of traffic hazard; and

(b) militate against the preservation of the level of service and carrying capacity of the national road infrastructure at this location contrary to the requirements set out in the Spatial Planning and National Roads: Guidelines for Planning Authorities 2012.

The proposed development would, thereby, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is remote from the commercial core of the town of Ardee. It would fail to deliver any synergies with the established town centre activities in Ardee and would conflict with Policy ACT1 of the Ardee Local

Area Plan 2010-2016, which seeks “to preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town’s people and wider rural hinterlands” and with Policy EDE 33 of the Louth County Development Plan 2015-2021 which seeks “to promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located alongside the heavily-trafficked N2 National Primary Road. It is proposed to construct an internal roadway along the western site boundary proximate to the N2 mainline at a point where the 100 km/h speed limit applies. The Board is not satisfied, on the basis of the submitted information, that traffic on the internal roadway would not interfere with the safety and free flow of traffic on the N2 due to glare and confusion arising from contraflow traffic movements in close proximity to this road. Furthermore, the internal circulation layout would lead to conflicting movements between pedestrians and vehicles within the forecourt area. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

Karen Kenny

Senior Planning Inspector

17th December 2018